



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEVEN SKLAR,

:

Plaintiff,

:

ORDER

- against -

:

09 Civ. 580 (DC)

BANK OF AMERICA CORP. et al.,

:

Defendants.

:

- - - - -x

AND RELATED CASES

:

:

- - - - -x

CHIN, District Judge

Pending in this District are at least twenty-two actions relating to Bank of America Corporation's ("Bank of America") merger with Merrill Lynch & Co., Inc. ("Merrill Lynch") and public disclosures made in connection with that transaction. These actions include: (1) putative class actions based on alleged violations of the securities laws, including Section 10(b), Section 14(a), and Section 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 and 14a-9 thereunder (the "securities class actions"); (2) derivative actions alleging violations of Section 14 of the Exchange Act, Rule 14a-9 thereunder, and common law fiduciary duties (the "derivative actions"); and (3) actions asserting claims under ERISA on behalf of participants in the Bank of America 401(k) plan that held investments in Bank of America stock, including allegations that Bank of America made misrepresentations in its October 31, 2008

Proxy Statement that artificially inflated the price of Bank of America stock (the "ERISA actions").

I am prepared to accept all related cases. I have been assigned or will be assigned the following cases:

- (1) Sklar v. Bank of America Corp. et al, No. 09 Civ. 580;
- (2) Finger Interests Number One, Ltd. v. Bank of America Corp. et al., No. 09 Civ. 606;
- (3) Fort Worth Employees' Retirement Fund v. Bank of America Corp. et al., No. 09 Civ. 638;
- (4) Palumbo v. Bank of America Corp. et al., No. 09 Civ. 740;
- (5) Louisiana Municipal Police Employees Retirement System v. Lewis et al., No. 09 Civ. 808;
- (6) Waldman v. Lewis et al., No. 09 Civ. 834;
- (7) Dailey v. Bank of America Corp. et al., No. 09 Civ. 851;
- (8) Wilson v. Bank of America Corp. et al., No. 09 Civ. 880;
- (9) Zitner v. Bank of America Corp. et al., No. 09 Civ. 881;
- (10) Adams v. Bank of America Corp. et al., No. 09 Civ. 914;
- (11) Stabbert v. Bank of America Corp. et al., No. 09 Civ. 928;
- (12) Wright v. Bank of America Corp. et al., No. 09 Civ. 1056;
- (13) Hollywood Police Officers' Retirement System v. Lewis et al., No. 09 Civ. 1174;
- (14) Stricker v. Bank of America Corp. Corporate Benefits Committee et al., No. 09 Civ. 1177;
- (15) Siegel v. Lewis et al., No. 09 Civ. 1331;
- (16) Smith v. Lewis et al., No. 09 Civ. 1333;
- (17) Lehmann v. Lewis et al., No. 09 Civ. 1434;
- (18) Welikson v. Bank of America Corp. et al., No. 09 Civ. 1463;

- (19) Young v. Lewis et al., No. 09 Civ. 1561;
- (20) Anderson v. Lewis, et al., No. 09 Civ. 1572;
- (21) Gilliam v. Bank of America Corp. et al., No. 09 Civ. 1606;
- (22) West Palm Beach Firefighters' Pension Fund v. Bank of America Corp. et al., No. 09 Civ. 1612.

Defendants are not required to answer or otherwise respond to the individual complaints in the above-listed cases absent further order of the Court.

Any motion for consolidation and for the appointment of lead plaintiff and/or lead counsel in the securities class actions, derivative actions, and ERISA actions shall be filed on or before March 23, 2009. Each motion shall specify in the caption whether it relates to the "securities class actions," "derivative actions," or "ERISA actions." Any opposition papers shall be filed by April 6, 2009, and any reply papers shall be filed by April 13, 2009.

Once appointed by the Court, lead counsel for plaintiffs in each of the three sets of actions and counsel for defendants shall meet and confer within thirty days of the entry of the order appointing such counsel. They shall agree upon a schedule for submission to the Court, for its approval, setting dates for the filing of consolidated amended complaints and briefing on defendants' motions to dismiss or other response.

SO ORDERED.

Dated: New York, New York
February 25, 2009


DENNY CHIN
United States District Judge